

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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BRIAN RUSSELL LOCKE,

Petitioner,

v.

Case No. 10-C-0025

WILLIAM POLLARD,

Respondent.

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**ORDER**

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On January 12, 2010, the petitioner, Brian Russell Locke, who is proceeding pro se, filed a petition for a writ of habeas corpus. The petitioner also filed a motion for leave to proceed in forma pauperis and a motion for appointment of counsel.

On June 1, 2010, the court dismissed the petitioner's petition for lack of jurisdiction. The court concluded that the petitioner's current petition was a second or successive petition and, therefore, he was required to move the Court of Appeals for the Seventh Circuit for an order authorizing this court to consider his petition for a writ of habeas corpus. Because the petitioner failed to do so, this court lacked jurisdiction over the petition and this court had "no option other than to deny the petition." See Nunez v. United States, 96 F.3d 990, 991 (7th Cir. 1996).

On June 7, 2010, the petitioner filed a document titled "Notice of Motion and Motion to Explain Delays." (Docket # 26). The document is dated May 18, 2010, but appears to have been mailed sometime after June 3, 2010, but prior to the petitioner's receipt of the court's order dismissing the petitioner's petition for lack of jurisdiction. By his motion, he seeks "to

explain to this court the reasons for all the delays and problems associated with the filing of this Habeas Corpus.” (Notice of Motion and Motion to Explain Delays at 1). In his conclusion he asks the court “to request of the Defendant that I be allowed a minimum of 4 hours per week in the law library.” Id. at 2. The petition has been dismissed for lack of jurisdiction. Accordingly, the petitioner’s “Motion to Explain Delays” will be terminated without a decision.

**ORDER**

**NOW, THEREFORE, IT IS ORDERED** that petitioner’s “Motion to Explain Delays” be and hereby is **terminated**. (Docket #26).

Dated at Milwaukee, Wisconsin this 30th day of June, 2010.

BY THE COURT:

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s/ Patricia J. Gorence  
PATRICIA J. GORENCE  
United States Magistrate Judge